

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:23-cv-00662-CSD

**Order**

Re: ECF Nos. 39, 40, 42

OSCAR LOYA,

Plaintiff

v.

PARKS, et al.,

Defendants

Plaintiff has filed three motions for the appointment of counsel. (ECF Nos. 39, 40, 42.)

“[A] person [generally] has no right to counsel in civil actions.” *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)). 28 U.S.C. § 1915(e)(1), however, does allow the court to “request an attorney to represent any person unable to afford counsel.” That being said, the appointment of counsel in a civil case is within the court’s discretion and is only allowed in “exceptional cases.” *See Palmer*, 560 F.3d at 970 (citations omitted); *see also Harrington v. Scribner*, 785 F.3d 1299, 1309 (9th Cir. 2015). In “determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.’” *Palmer*, 560 F.3d at 970 (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)); *see also Cano v. Taylor*, 739 F.3d 1213, 1218 (9th Cir. 2015). “Neither of these considerations is dispositive and instead must be viewed together.” *Id.* (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*, 935 F.3d 1015, 1017 (9th Cir. 1991) (citation omitted).

1 Plaintiff requests the appointment of counsel because he is not trained in the law and  
2 asserts his case is complex, and he cannot articulate his claims.

3 Plaintiff is proceeding in this action with a claim for excessive force against Parks and  
4 McCurdy where he alleges that Parks, on McCurdy's orders, attacked Plaintiff when Plaintiff  
5 walked away from him and posed no threat. He is also proceeding with an Eighth Amendment  
6 deliberate indifference to serious medical needs claim against Dr. Marks based on allegations  
7 that Dr. Marks failed to answer his medical kits requesting treatment for extreme pain in his ribs  
8 and back following the alleged use of excessive force.

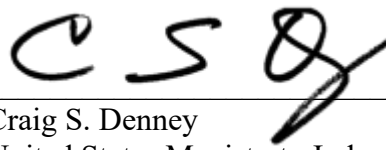
9 Plaintiff's claims are not unduly complex. A lack of legal training is not grounds for the  
10 appointment of counsel as this is the case for nearly all pro se litigants. Moreover, Plaintiff has  
11 not demonstrated a likelihood of success on his claims, and has been able to adequately articulate  
12 himself up to this point. For these reasons, Plaintiff's motions are denied.

13 **CONCLUSION**

14 Plaintiff's motions for the appointment of counsel (ECF Nos. 39, 40, 42) are **DENIED**.

15  
16 **IT IS SO ORDERED.**

17 Dated: August 14, 2025

18   
19 Craig S. Denney  
United States Magistrate Judge